

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25575 of 2025

Arising Out of PS. Case No.-350 Year-2024 Thana- GUTHANI District- Siwan

Raushan Patel @ Vishal Patel Son of Alok Patel village-Baikunth Chapra ,
P.S-Mairwa, Dist -Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar
For the Opposite Party/s : Mr. Kanhiya Kishor

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 07-05-2025 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Guthani Police Station Case No. 350 of 2024, disclosing offences under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.
3. As per the prosecution case, on 13.12.2024, the police received secret information that three motorcycles, carrying illicit liquor, were going towards Sematar. Upon such information the police proceeded towards the place of occurrence and started vehicle checking. Thereafter, police saw that three motorcycles were coming from the Darela side. When signaled to stop, the riders of said motorcycles started fleeing away. However, on chase, three persons were apprehended and



two persons succeeded in fleeing away. Upon interrogation, the apprehended persons disclosed their names as well as the person who succeeded in fleeing away. One of the co-accused namely Jalaludin Ansari who was driving one of the intercepted motorcycle namely Bajaj Platina bearing Reg. No BR29AT3920, disclosed the name of the petitioner as his pillion rider. On search, from the said motorcycle, 45 liters of illicit liquor has been recovered. However, total recovery from three motorcycles is 135 liters.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in the present case due to mala-fide intention and ulterior motives. Petitioner has been made accused merely on the basis of his being the registered owner of the motorcycle bearing Reg. No BR29AT3920 which he had given to the co-accused namely Jalauddin Mansuri, for the purpose of buying medicines, who was arrested from the spot. Petitioner's name has transpired on the basis of the confessional statement of the arrested co-accused namely Jalaluddin Mansuri. Petitioner was not apprehended from the spot and no recovery of illicit liquor has been made from the conscious possession of the petitioner.

5. Having regard to the submissions made on



behalf of the parties and taking into consideration the fact that petitioner is having no criminal antecedent and he has been made accused on the basis of his being the registered owner of one of the motorcycles which he had given to the co-accused namely Jalauddin Mansuri for the purpose of buying medicines, I am inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge 1st, Siwan, in connection with Guthani Police Station Case No. 350 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482(2) of the BNSS, 2023.

(Anil Kumar Sinha, J)

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